

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BROTHERS HOLDING COMPANY,
LLC,**

Plaintiff,

Civ. No. 21-588 MIS/KK

v.

**ALLIANCE INTERNATIONAL
AVIATION, LLC, *et al.*,**

Defendants,

and,

**ALLIANCE INTERNATIONAL
AVIATION, LLC,**

**Counter-Claimant/Third-
Party Plaintiff,**

v.

L&B PROPERTIES, LLC, *et al.*,

**Counter-Defendant/Third-
Party Defendants.**

THIRD¹ ORDER SETTING RULE 16 SETTLEMENT CONFERENCE

In an effort to facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5) on **Monday December 12, 2022, at 9:30 A.M. This proceeding will be held via Zoom videoconferencing** with all participants appearing remotely. The Zoom ID and Passcode will be filed separately in a sealed Notice of Zoom Information; counsel are responsible for providing this Notice to their clients and any other persons who will be participating in the conference. Participants should connect to the proceeding fifteen (15) minutes before it is scheduled to start to allow enough time

¹ All provisions in the Court's Second Order Setting Rule 16 Settlement Conference remain in effect except as modified by this order. *See* (Doc. 73.)

to resolve any connectivity issues. Participants are encouraged to use a headset to reduce static and background noise; if not using a headset, participants must ensure that the audio feed at their location is muted when not speaking.

*****Recording or broadcasting of this conference is prohibited.*****

The Court has set aside three (3) hours for this settlement conference. However, the Court expects the participants to keep their schedules open the entire day of the conference so that they are available to work through the noon hour and into the evening, if the Court deems it necessary. **Motions to reschedule the settlement conference must be filed no later than Monday, November 28, 2022.** Motions to reschedule the settlement conference filed after this date may be considered untimely in the Court's discretion.

Individually named parties must attend via Zoom, unless excused by the Court upon written request. Excused parties must be available by telephone throughout the day of the conference. Lead counsel who will try the case must also attend via Zoom. Those attending the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.²

No later than **Friday, December 2, 2022**, (1) the parties must exchange any contemplated proposed form of release if not already exchanged and (2) may submit to the Court, in confidence, a supplemental position statement, if any. Supplemental position statements and copies of any contemplated proposed form of release should be provided to the Court either by facsimile at **(505) 348-2345** or by e-mail at khalsaproposedtext@nmd.uscourts.gov.

Please direct any inquiries to (505) 348-2340.

IT IS THEREFORE ORDERED as follows:

² This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

**Parties' supplemental position statement
due to the Court and exchange of proposed
form of release (with copy to the Court):**

Friday, December 2, 2022

Settlement conference:

Monday, December 12, 2022, at 9:30 A.M.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Kirtan Khalsa", written in black ink. The signature is positioned above a horizontal line.

KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE